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NO. 2789 P. 1

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**ZILKA-KOTAB**

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FAX COVER SHEET

Date: May 2, 2006	Phone Number	Fax Number
To: Examiner Baturay		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NVIDP322/P001314

App. No: 10/049,972

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to Examiner Baturay.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

\*\*\*\*\*  
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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

May 2, 2006

MAY. 2. 2006 3:18PM

ZILKA-KOTAB, PC

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NO. 2789 P. 2

MAY 02 2006

Practitioner's Docket No. NVIDP322/P001314

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael W. Johnson et al.

Application No.: 10/049,972

Group No.: 2155

Filed: February 13, 2002

Examiner: Baturay

For: INTERNET JACK

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed January 27, 2006, for a second time rejecting claims 1-59.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

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TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273 -8300.

Date:

5/2/2006

Signature



Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

05/03/2006 MBINAS 00000026 501351 10049972

Notice of Appeal from Primary Examiner's Decision  
02 FC:1251 120.00 DA

MAY 02 2006

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity	\$500.00
Notice of Appeal fee due	\$500.00

**3. EXTENSION OF TERM**

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee	120.00
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If an additional extension of time is required, please consider this a petition therefor.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$500.00
Extension fee	\$120.00
<b>TOTAL FEE DUE</b>	<b>\$620.00</b>

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$620.00 to Deposit Account No. 50-1351 (Order No. NVIDP322).

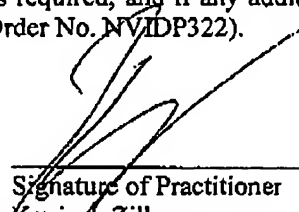
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NVIDP322).

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

  
\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Notice of Appeal from the Primary Examiner to Board--page 2 of 2